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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/698,379	10/27/2000	Teresa Martineau	MS150499.1	6348
27195 7590 06/21/2007 AMIN. TUROCY & CALVIN, LLP 24TH FLOOR, NATIONAL CITY CENTER 1900 EAST NINTH STREET CLEVELAND, OH 44114			EXAMINER FADOK, MARK A	
			ART UNIT 3625	PAPER NUMBER
			MAIL DATE 06/21/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

09/698,379

Applicant(s)

MARTINEAU ET AL.

Examiner

Mark Fadok

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 April 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-49 is/are pending in the application.
- 4a) Of the above claim(s) 12-40 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-11 and 41-49 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

The examiner is in receipt of applicant's response to office action mailed 4/21/2006, which was received 4/27/2007. The examiner has carefully considered applicant's remarks in the appeal brief filed 4/27/2007 and finds them persuasive, however, after further consideration and search a new ground of rejection follows:

Examiner's Note

Examiner has cited particular columns and line numbers or figures in the references as applied to the claims below for the convenience of the applicant. Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant, in preparing the responses, to fully consider the references in entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the examiner.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1,2,5,6,7,9,10,11,41,42,45,46,47 and 48 are rejected under 35 U.S.C. 102(e) as being anticipated by Lee (US 6,611,814).

In regards to claim 1, Lee discloses a system that facilitates electronic shopping through an electronic item list for items residing on the Internet comprising:

an item database holding information with respect to items, the information is at least one of an offer type, a general product type, a specific manufacturer type and a specific merchant type (FIG 13);

an item list database that stores an item list that includes a reference to at least one item associated with the information stored in the item database (FIG 11); and

an interface component that receives a request to display the item that is referenced in the item list, accesses the item list database to obtain the reference from the item list (FIG 2),

utilizes the reference as a key into the item database, retrieves data corresponding to the referenced item from the item database, and utilizes the retrieved data to display the item and associated information to the requester (FIG 12).

In regards to claim 2, Lee teaches the interface component degrades the display of the item as records are removed from the item database (FIG 12).

In regards to claim 5, Lee teaches a remote input component that allows a user to add an item to the item list, the item is a description that resides on a remote merchant's site, and the remote merchant site employs a link to the remote input component that invokes the remote input component (col 6, line 56 to col 7, line4) .

In regards to claim 6, Lee teaches the remote input component adds the description of the item to the item list, the description includes one of structured and unstructured data (FIG 8).

In regards to claim 7, Lee teaches the description is linked to information associated with an item in the item database and the remote input component adds the linked information to the item list (FIG 8).

In regards to claim 9, Lee teaches the interface component comprises a plurality of ASP pages (col 6, lines 55-67, portal).

In regards to claim 10, Lee teaches at least one HTML page that allows a user to select items from an electronic web-site to add to the item list and at least one element that provides a link from a selected item to the interface component, the interface component adds the selected item to the item list (FIG 6).

In regards to claim 11, Lee teaches a gift finder component that is associated with the item list, the gift finder component accesses a user attribute database to retrieve attributes related to an owner of the item list, the gift finder component employs the retrieved attributes to extract data from the item database and returns at least one item based on the retrieved attributes (FIG 9).

In regards to claim 41, Lee discloses a method that provides an electronic item list for items residing on the Internet comprising:

providing an item database that stores information with respect to items, the information is at least one of an offer type, a general product type, a specifies manufacturer type and a specific merchant type; and

storing an item list in an item list database, the item list includes a reference to an item associated with the information stored in the item database,

the reference is utilized as a key into the item database to extract data corresponding to the referenced item from the item database and to display the referenced item and associated information (See response to claim 1).

In regards to claim 42, Lee teaches degrading the display of the item as records are removed from the item database (see response to claim 2).

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In regards to claim 45, Lee teaches allowing a user to select an item from an electronic web-site to add to the item list, and adding the selected item to the item list (see response to claim 10).

In regards to claim 46, Lee teaches accessing a user attribute database to retrieve attributes related to an owner of the item employing the retrieved attributes to extract data from the item database; and returning the extracted data (see response to claim 11)

In regards to claim 47, Lee discloses a system that facilitates electronic shopping through an electronic item list for items residing on the Internet comprising:

means for storing information with respect to items, the information at least one of an offer type, a general product type, a specific manufacturer type and a specific merchant type;

means for storing an item list that includes a reference to an item associated with the stored information; and

means for receiving a request to display the referenced item, retrieving the reference, utilizing the reference as a key into the stored information, extracting data corresponding to the referenced item and utilizing the extracted data to display the item and associated information to the requester (see response to claim 1).

In regards to claim 48, Lee teaches means for degrading the display of the item as records are removed from the stored information (see response to claim 2).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 3,4,43 and 49 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lee in view of Hsu (US 7,013,292).

In regards to claim 3,4, and 43, Lee teaches gathering data from various websites and adding them to a gift list (structured data) and using profile preferences to suggest items that are not structured, but does not specifically mention that the unstructured data are custom items (see FIG 4 and 5, of applicant's PG PUB to this application US 20050182688). Hsu teaches registering selections available from a participating vendors and also having the option to add custom items that are not provided from selected vendors (col 16, lines 6-19 and col 24, col 10, lines 40-45 and lines 44-54, cash gifts and gift ideas outside the system selections). It would have been obvious to a person having ordinary skill in the art at the time of the invention to include in Lee allowing the entry of custom items, because this will allow the recipient a greater

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selection and not limit the selections to only those available on the site, thus increasing sales by keeping the recipient and buyers at a particular site.

Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Lee in view of NetGift (a collection of articles and web pages see PTO 892, Netgift1 – Netgift7).

In regards to claims 8 and 44, Lee teaches using a item list at a remote site, but does not specifically mention that the infrastructure of the item list appears to reside on the remote site. NetGift (a collection of articles and web pages see PTO 892, Netgift1 – Netgift7) teaches branding and packaging a linked registry at a remote partnering site (NetGift2, abstract). It would have been obvious to a person having ordinary skill in the art at the time of the invention to include in Lee, linking the infrastructure of the item list to a remote site, the item list appears to reside on the remote site as is taught by Netgift, because this approach effectively extends each distribution and retailer's ability to generate transaction, thus increasing revenue (NetGift5).

Response to Arguments

Applicant's arguments with respect to claims 1-11 and 41-49 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Mark Fadok** whose telephone number is **571.272.6755**. The examiner can normally be reached Monday thru Friday 8:00 AM to 5:00 PM.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Jeffrey A. Smith** can be reached on **571.272.6763**.

Any response to this action should be mailed to:

Commissioner for Patents

P.O. Box 1450

Alexandria, Va. 22313-1450

or faxed to:

571-273-8300

[Official communications; including

After Final communications labeled

"Box AF"]

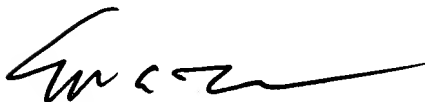
For general questions the receptionist can be reached at

571.272.3600

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Mark Fadok

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